IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1301 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19/07/2004 in WPMP No.11856 of 2004 in WP NO : 9227 OF 2004 on the file of the High Court.)

Between:

The Commissioner, Mahaboobnagar Municipality, Mahaboobnagar.

..... APPELLANT

AND

1 Madduri Shivappa, S/o. M.Chinnaiah, 2-6-68, Ravindranagar Street, Mahabubnagar.
2 District Collector, Mahabubnagar.
3 The Revenue Divisional Officer (LAO) Mahabubnagar.

.....RESPONDENTS

Counsel for the Appellant:MR.R.TIMMA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

There is hardly any ground to interfere with the impugned order passed by the learned single Judge. During the pendency of the writ petition filed by the first respondent, interim order has been granted.

The first respondent's prayer in the writ petition is that there should be no interference at the behest of the appellant or other respondents in the writ petition with respect to peaceful enjoyment of property situated in Survey No.1032 to 1034 of Mahaboobnagar Town Municipality and since the Municipality had started laying road without recourse to provisions of law, learned single Judge directed status quo to be maintained. Further, learned single Judge said that the writ petitioner shall not be dispossessed except by notifying the lands. This part of the order needs slight modification. Accordingly we dispose of the appeal and modify the impugned order with direction that status quo shall continue to be maintained with respect to the land in Survey No.1032 to 1034 in Mahaboobnagar town Municipality and the writ petitioner shall not be dispossessed otherwise than in due course of law.

Ordered accordingly.

_____

DEVINDER GUPTA, CJ

25-8-2004

_____

C.V.RAMULU, J

Tvr

To

1 Madduri Shivappa, S/o. M.Chinnaiah, 2-6-68, Ravindranagar Street, Mahabubnagar.
2 District Collector, Mahabubnagar.
3 The Revenue Divisional Officer (LAO) Mahabubnagar.

4 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT).

5 2 CD copies.